



COMPLYING WITH THE DRUG-FREE SCHOOLS AND CAMPUSES REGULATION (EDGAR 86)

On December 12, 1989, President Bush signed into law the DFSCA Amendments of 1989. The DFSCA amended the Higher Education Act of 1965 to require that, as a condition of receiving funds or any other form of financial assistance under any federal program after Oct. 1, 1990, an institution in higher education (“IHE”) must submit certification that it has adopted and implement a drug prevention program (“AOD”). The Department of Education’s regulations at 34 C.F.R. Part 86 (“Part 86”) implement this provision, requiring that colleges and universities must:

1. Annually notify each employee and student, in writing, of standards of conduct, a description of appropriate sanctions for violation of federal, state, and local law and campus policy, a description of health risks associated with AOD use, and a description of available treatment programs.
2. Develop a sound method for distributing annual notification information to every student and staff member each year.
3. Prepare a biennial report on the effectiveness of its AOD programs and the consistency of sanction enforcement.

QUESTION	ANSWER
WHAT IS REQUIRED IN THE ANNUAL NOTIFICATION?	Annual notification to students and employees must comprise specific items identified in this Section to “prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities.” This annual notification should provide each student and employee with a written statement outlining it’s standards of conduct; sanctions for violation of federal, state, and local law and campus policy; health risks associated with alcohol and other drug (AOD) use; and description of available treatment programs.
WHERE CAN I FIND MY ANNUAL NOTIFICATION?	The Annual Notification will be emailed to every student at the beginning of the semester. Students who register after the beginning of the semester will receive the notification as they register for classes. This annual notification will also be posted on the College website, available for review at any time during the academic year.
WHAT IS EDGAR 86?	EDGAR Part 86 is the set of regulations outlining the federal requirements of the Drug Free Schools and Campuses Act (DFSCA) of 1989. EDGAR Part 86 requires that an institution of higher education receiving federal financial assistance must adopt and implement a program to prevent the use of illicit drugs and alcohol abuse by students and employees. In addition, schools must 1) annually distribute specified drug and alcohol prevention information to students and employees (the “annual notification”), and 2) conduct a biennial review of their drug and alcohol prevention programs.
IS THIS A NEW LAW?	No. EDGAR is not new. It has been around since 1990, but after years of limited to no oversight, it is back on the ED’s radar. Title IX resolution agreements now include express mention of DFSCA compliance and biennial reviews are being requested as part of Clery Act and financial aid audits. There are also those “friendly visits” from ED that have been happening with more frequency where all items on the ED’s DFSCA checklist is scrutinized.

<p>IS THERE A PENALTY FOR NONCOMPLIANCE WITH THE DFSCA?</p>	<p>If an institute of higher education fails to submit the necessary certification when requested to do so or violates its certification, the Secretary of Education may terminate all forms of federal financial assistance, whether from the Department of Education or other federal agency. The Secretary may require repayment of such assistance, including individual students' federal grants.</p>
<p>WHAT IS THE BIENNIAL REVIEW?</p>	<p>This written report is a review of the College's alcohol and drug programs and policies to determine program effectiveness and consistency of policy enforcement and to identify and implement any changes needed to either the program or consistency of policy enforcement. This report is posted on the College's website for review.</p>
<p>WHO PRODUCES THE BIENNIAL REPORT?</p>	<p>Ideally, multiple individuals, departments, and programs who have a stake in helping to create a healthy and safe environment should be involved in the discussion. There may also be need to involve community partners who may receive referrals from the College to assist our students in meeting their needs as they pertain to drugs and alcohol. Having various people involved in the production of the Biennial Report will facilitate the pooling of ideas, resources, and staffing solutions to implement strategies and solutions to best address alcohol and drug issues. The Biennial Report generally comes from the Student Affairs office.</p>
<p>WHEN DOES THE BIENNIAL REVIEW COME OUT?</p>	<p>Although the regulations do not specify a date in which the reports must be completed, long practice has held that a college submit a review by the end of each even-numbered calendar years.</p>
<p>WHERE CAN I SEEK SERVICES FOR DRUG AND ALCOHOL DEPENDENCE?</p>	<p>AA Meetings: http://aamesaaz.org/meetings/ Narcotics Anonymous: http://www.arizona-na.org/WP/?page_id=309 Addiction Recovery Centers: https://www.addicted.org/directory/item/addiction-recovery-centers-phoenix.html</p>
<p>RESOURCES</p>	<p>U.S. Department of Education, Office of Safe and Drug-Free Schools, Higher Education Center for Alcohol and other Drug Abuse and Violence Prevention, Complying with the Drug-Free Schools and Campuses Regulations [EDGAR Part 86]: A Guide for University and College Administrators (2006). "AOD" refers to alcohol and other drugs.</p> <hr/> <hr/> <hr/>